



City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3014787 and 3014794
Applicant Name: Chris Jones of NK Architecture
Address of Proposal: 5169 and 5153 42nd Avenue South

SUMMARY OF PROPOSAL

3014787: Land Use Application to allow one 2-unit and one 4-unit townhouse structure.

3014794: Land Use Application to allow a six unit, 3-story rowhouse structure with parking for 16 vehicles.

The following approvals are required:

SEPA – Environmental Determination – Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition,
or involving another agency with jurisdiction.

Site Zone: Lowrise-2 (LR2)

Nearby Zones: LR2 to the north and south along the west side of 42nd Ave South; LR3 to the west Single Family across 42nd Avenue South

Combined Lot Area: 11,443 square feet (5169 42nd Avenue South)
10,339 square feet (5152 42nd Avenue South)

Site Development

Current Development:

The subject site is now vacant but at the time of application contained two older single-family structures.

Surrounding Development and Neighborhood Character:

Development along the west side of 42nd Avenue South north of South Farrar Street and along the east side of 42nd Avenue South is comprised of single-family structures; to the northwest and south the development is a mix of predominantly multi-family structures. Abutting the 5169 42nd Ave S site to the west there are two undeveloped lots with a small wetland on both. The east portion of the wetland's buffer extends onto the 5169 site.

Background

Two Master Use Permit applications were submitted in January 2014 for this joined development because it occurs on two distinct parcels, but is functionally tied together because of a proposed central joint use driveway extending west and then north from 42nd Avenue South. A Lot Boundary Adjustment application (3016869) was submitted separately in January 2014 to reconfigure the existing two parcels from rectangles with their longest length extending east to west from 42nd Avenue South (graphic on page 1) to two roughly "L" shaped parcels with their longest length extending north to south from South Farrar Street. (Parcel A, addressed as 5153 42nd Avenue South, extends along 42nd Avenue South and Parcel B, addressed as 5169 42nd Avenue South, is to Parcel A's west and has street frontage on South Farrar Street, but with access across Parcel A to 42nd Avenue South.) Public notice occurred in February 2014.

Prior to MUP submittal the six-unit townhouse development (5169 42nd Avenue South) went through Streamlined Design Review (SDR), which is required when more than three townhouse units are proposed on a lot. The resultant design direction was reviewed under related building permit 6352649 and is not a part of this SEPA review.

I. ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), Washington Administrative Code (WAC) 197-11, and the Seattle SEPA Ordinance (SMC 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated December 4, 2013. The Department of Planning and Development (DPD) has analyzed and annotated the environmental checklist submitted by the project applicant, reviewed the project plans, any additional information in the file, and considered any pertinent comments which may have been received regarding this proposed action. As indicated in the checklist, this action may result in adverse impacts to the environment; however, due to their temporary nature or limited effects, the impacts are not expected to be significant.

The *SEPA Overview Policy* (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The *SEPA Overview Policy* states, in part, “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation” subject to some limitations (SMC 25.05.665). Under such limitations, mitigation may be considered; a detailed discussion of some of the impacts is appropriate.

Codes and development regulations applicable to this proposed project that will provide mitigation for short and/or long term impacts may include the *Stormwater Code* (SMC 22.800-808), the *Grading Code* (SMC 22.170), the *Street Use Ordinance* (SMC Title 15), the *Seattle Building Code*, and the *Noise Control Ordinance* (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. Additional discussion of short- and long-term impacts, and conditions to sufficiently mitigate impacts where necessary, is found below.

PUBLIC COMMENT

The two-week comment period occurred February 6 through February 23, 2014. During the comment period one phone call was received from a neighboring property owner re-iterating a concern provided during the SDR comment period in autumn 2013 that there should be no stormwater impacts from the project onto the lower elevation property. No other comments were received during the SEPA comment period.

A. SHORT-TERM IMPACTS

Temporary or construction-related impacts are anticipated to result in some adverse impacts. Examples of impacts may include temporary soil erosion, decreased air quality due to increased dust and other suspended air particulates during excavation, filling and transport of materials to and from the site, increased noise and/or vibration from construction operations and equipment, increased traffic and parking demand from construction personnel traveling to and from the work site, consumption of renewable and non-renewable resources, and/or an increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. Compliance with existing and applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

Air Quality/Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. SEPA conditioning is not warranted to mitigate air quality impacts pursuant to *SEPA Policy* SMC 25.05.675.A.

Noise

Noise associated with construction could adversely affect surrounding uses in the area, which are predominately residential uses. Due to the scale of the project, the requirements of the *Noise Ordinance* are found to be adequate to mitigate the potential noise impacts. SEPA conditioning is not warranted to mitigate noise impacts pursuant to *SEPA Policy* SMC 23.05.675.B.

Parking and Traffic

During construction a temporary increase in traffic volumes to the site is expected due to travel to the site by construction workers and the transport of construction materials. Furthermore, additional parking demand from construction vehicles is expected to further exacerbate the supply of on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities. The Street Use Ordinance contains regulations that mitigate dust, mud, and circulation. Any temporary closure of the sidewalk and/or traffic lane(s) is regulated with a street use permit through SDOT. SEPA conditioning is not warranted pursuant to *SEPA Policy* SMC 25.05.675.B

Approximately 1,300 cubic yards of soil are expected to be excavated from the project site. Approximately 300 cubic yards of fill soil will be used resulting in a net export of 1,000 cubic yards. The soil not used for fill will be disposed of off-site. Excavation and fill activity will require truck trips on and off site. Compliance with the *Street Use Ordinance* is expected to mitigate any additional adverse impacts to traffic which would be generated during construction of this proposal. SEPA conditioning is not warranted pursuant to *SEPA Policy* SMC 25.05.675.B

B. LONG –TERM IMPACTS

Long term or use-related impacts are also anticipated as a result of this proposal. Examples of such impacts may include an increased surface water runoff due to greater site coverage by impervious surfaces, increased traffic in the area, an increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming, and increased demand for public services and utilities. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment; however, potential greenhouse gas emissions, parking and traffic, plants and surface water runoff impacts warrant further analysis.

Air Quality/Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the projects' energy consumption are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. SEPA conditioning is not warranted to mitigate air quality impacts pursuant to *SEPA Policy* SMC 25.05.675.A.

Parking and Traffic

The site is located in the Columbia City Residential Urban Village and within 1,320 feet of a street with frequent transit, hence no parking is required (SMC 23.54.015, Table “B”, Row M). The project however proposes to provide 16 parking spaces, 10 within the rowhouse structure and 6 in the central parking court for the use of the 6 townhouse units. Four of the surface spaces are on Parcel A (the rowhouse site) but will be available for the townhouse units through easement rights.

Based on DPD experience with similar projects in similar locations no significant adverse impacts are expected. Furthermore, no SEPA authority is provided for mitigation of the impact of development on parking availability for residential uses at this location (portions of Urban Villages within 1,320 feet of a street with frequent transit service; SMC 25.05.675.M, Cumulative Effects Policy for Parking).

Plants

Five trees were identified and assessed in an arborist report submitted with this application (Tree Solutions Inc, January 15, 2013). One of these, a 30-inch DSH (diameter at standard height: 4.5 feet above surrounding grade) Apple (*Malus sp.*) could qualify as *exceptional* per SMC 25.11 and related Director’s Rule 16-2008. Three specimens (a Horse chestnut and two Big leaf maples) are located along the southern property boundary and may or may not be on this property. The remaining specimen is an English holly and located near the property’s northwest corner. These four trees do not qualify as *exceptional* or is replacement required as they are below two-feet DSH.

The SEPA Plants and Animals Policy (SMC 25.05.675.N) states that it is the City’s policy to minimize or prevent the loss of vegetation which has substantial ecological or aesthetic value. Further the City may condition or deny a project to mitigate the adverse impacts from vegetation loss. However, when City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation.

SMC 25.11, Tree Protection, allows the removal of an *exceptional* tree only if it is hazardous or, in Lowrise zones during development, if the criteria of SMC 25.11.070 is met. Replacement of removed non-exceptional trees greater than two-feet is also required.

The submitted arborist report assessed the Apple tree and determined it to be in poor structural condition due to extensive areas of decay and previous extensive pruning, but in fair health. Based on these conditions the tree was determined to have a short useful life expectancy with or without the proposed development. Additionally, as a large tree in failing health in a future development, it would pose a hazard to surrounding targets and thus qualifies for removal.

Based on the verified information in the arborist report, retention of the Apple tree is not required. Replacement of the tree per 25.11.090 will occur through the proposed Green Factor tree planting plan.

The four other trees are not required to be retained or replaced due to their species and size.

Surface Water and Water Runoff

The abutting parcel downhill and to the project site's west contains a Class III closed pond wetland ("the wetland parcel"). Impervious surfaces (pavement, roofs) are expected to cover 68 percent of the project site after completion. Increased stormwater runoff due to the increased impervious surface area could have adverse impacts on the wetland parcel.

The City of Seattle's Stormwater Code (SMC 22.800-808) contains requirements for allowable location and amount of site generated stormwater discharge. The project proposes on-site stormwater collection by conventional inlets (catch basins and under drains) with disposal into the 42nd Avenue South stormwater main. Based on this and other requirements of SMC 22.800-808, no mitigation is necessary. This will be assured by extensive project review for compliance with SMC 23.22.800-808 for the associated building permits.

Summary

In conclusion, several adverse impacts to the environment are anticipated to result from the proposal, which are anticipated to be non-significant. The conditions imposed below are intended to mitigate construction impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - STATE ENVIRONMENTAL POLICY ACT (SEPA)

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (Revised Code of Washington (RCW) 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21.030(2)(c).
- ☐ Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 (2)(C).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the *Optional DNS Process* in WAC 197-11-355 and *Early Review DNS Process* in SMC 25.05.355. There is no further comment period on the DNS.

SEPA - CONDITIONS OF APPROVAL

None.

Art Pederson, Senior Land Use Planner
Department of Planning and Development

Date: December 3, 2015

AP:bg

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.